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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/583,863 | 06/01/2000 | Guy Nathan | 871-80 | 4666 |

7590 07/19/2004
Nixon & Vanderhye PC
1100 North Glebe Rd 8th Floor
Arlington, VA 22201-4714

EXAMINER

TRAN, HAI V

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2611

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DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,863

Applicant(s)

NATHAN ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 01 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6, 7.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to because Fig. 1-3 fail to label corresponding Boxes of the flowchart, i.e., Box 10 of Fig. 1 should be labeled with "Initialization of Communication link between Sever and the reproduction system".

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 2-6 recite the limitation "file downloading process" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites "the reproduction system operating system" in lines 6-7 and "the reproduction system" in lines 8-10 and 17. There is insufficient antecedent basis for these limitations in the claim.

Claim 6, recites "the database update step" in line 3, "the reproduction system operating system" in lines 6-7, and "the reproduction system" in lines 8-9 and line 17. There is insufficient antecedent basis for these limitations in the claim.

The following art rejection is applied to applicant claims as best understood in view of the 112 2nd paragraph rejection above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Guy Nathan set al. (WO 96/12257).

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Claim 1, Guy Nathan discloses process for receiving files sent by a central server to an audiovisual data reproduction system (jukebox 1) managed by an OS and linked to the server (41), by means of a data transfer link (Communication link between jukebox and server through the “adaptateur de modem de telecommunications”; page 10, lines 3-6), characterized in that the process (Abstract) comprises:

A step consisting of initializing a link between the central server and an audiovisual data reproduction system (page 13, lines 12-26 and page 16, lines 1-15);

A step consisting of storing files, sent by the central server 41 on storage means 21 of the audiovisual data reproduction system (jukebox; page 12, lines 18-20; page 18, lines 5-10), each file comprising specified information representative of the type of data contained in the file (page 21, lines 4-page 22, lines 17);

A step consisting of searching, for each file received, a specific reception function, this search step being carried out by means of the specified information representative of the type of data contained in the file (page 22, lines 36-page 23, lines 33);

A step consisting of processing each file by the corresponding reception function, the processing comprising copying of the file received to a specified storage area 21 (“mises a jour des base de données” page 25, lines 18-23 and page 22, lines 18-27);

Claim 2, Guy Nathan further discloses that the storage step consists of opening a file in any permanent memory with a available area of a specified minimum value, to write the data sent (page 25, lines 35-page 26, lines10);

Claim 3, Guy Nathan further discloses the processing step comprises the update of a database of the audiovisual data reproduction system (Jukebox) to account for the data contained in the file received (page 22, lines 23-27 and page 24, lines 8-24 and pages 25, lines 18-22);

Claim 4, Guy Nathan further discloses the search step is activated when the last data packet (page 23, lines 14-19) corresponding to a whole file is stored in the memory (the system checks the status of the last received packets, i.e., "pas de detection d'erreurs; page 24, lines 8- page 25, lines 13);

Claim 5, Guy Nathan further discloses that the specified information comprises the file extension or the name of the file received (Fig. 6; page 21, lines 4-17);

Claim 6, Guy Nathan further discloses when the specified information represent a song file, the database update step comprises a step consisting of checking the compatibility of the song file with the version of the reproduction system operating system (page 23, lines 8-13; page 24, lines 9-page 25, lines 22); a step consisting of updating a file stored on the reproduction system containing the identification of all

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the song stored on the reproduction system; a step consisting of updating a statistic table in the data base making it possible to determine the selection frequency of the song corresponding to the file stored in memory (page 23, lines 12); a step consisting of updating a purchase table containing the number and name of all the songs purchased for the reproduction system (page 7, lines 7-10; page 22, lines 18-27); a step consisting of updating a counter of songs that can be selected to check that the number of songs that can be selected is not greater than a specified threshold (page 22, lines 18-27).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
07/07/2004


HAITHAN
PATENT EXAMINER